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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000250

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SUBJECT: KOSOVO: A CHALLENGING ELECTIONS PROCESS AMID  
DECENTRALIZATION

Classified By: Ambassador Tina S. Kaidanow for Reasons 1.4 (b), (d).

11. (C) SUMMARY: President Sejdiu on June 16 called for municipal elections to take place on November 15. Preparations for these elections, set to occur amid increasing activity on decentralization, will present several policy challenges. Decentralization will create five new Serb-majority municipalities and expand Kosovo's municipalities from 33 to 38. Both the GOK and the International Civilian Office want to conduct elections in all 38 municipalities and express hope that Serb voters will participate in the elections. We are not optimistic, and previous elections suggest that Serbs will not participate in the November municipal elections. Current signals from Belgrade are not encouraging, as Serbian President Boris Tadic on June 30 announced that he would not call for Serbs in Kosovo to vote in the Kosovo elections, and Serbia on June 29 declared that it would hold its own parallel municipal elections in Peja/Pec and Gracanica on August 16. These conflicting elections and the uncertainty over how to conduct Kosovo elections present the potential for political conflict and instability. Embassy (and our local UK colleagues) favors holding elections in only 33 of the 38 municipalities, allowing residents in the new municipalities to vote in the so-called "mother municipalities" that will cede land to the new municipalities, and then conducting later by-elections in the new municipalities once decentralization preparations are more advanced. ICO has not yet taken a firm position on this, but is inclined despite the many complexities to tackle elections in all 38 municipalities. END SUMMARY

12. (C) After weeks of consultations with Kosovo's political parties, President Sejdiu on June 16 called municipal elections for November 15. These elections will allow voters to select municipal mayors and municipal assemblies across the country. Prior elections in November 2007 awarded limited two-year, vice four-year, mandates to municipal office holders. The shortened term of office was to allow the International Civilian Office (ICO) and the Ministry for Local Government Administration (MLGA) time to implement Ahtisaari-mandated decentralization, introducing local self-governance and creating five new Serb-majority municipalities and one redistricted existing municipality with a new Serb majority. Following decentralization, some of the existing 33 municipalities will shrink as they cede territory to the new municipalities, and Kosovo's municipal

total will increase to 38.

13. (C) Progress on creating the new municipalities has been slow for many reasons, not least the lack of support from Belgrade and the local Serb community, and the ICO and MLGA signed contracts with its first 12-member Municipal Preparation Team (MPT) in the new Klllokot municipality on June 29. The MPTs are responsible for laying the organizational foundation for the new municipalities and creating new offices for providing services. They work with the so-called "mother municipalities" that are being subdivided to create the new Serb-majority municipalities and ensure that government services continue without interruption. As of now, the new municipalities exist only as cadastral zones in legislation. There is no infrastructure to support these new municipalities.

14. (C) The ICO wants to proceed quickly over the coming weeks to introduce MPTs in the remaining new municipalities, including in Mitrovica North. Both ICO and MLGA are trumpeting increasing interest in decentralization among local Serb residents in the new municipalities and are telling us that it is important to move quickly and create additional MPTs ahead of the November elections. Recognizing that northern Kosovo creates special challenges, ICO has proposed creating a more limited MPT (probably headquartered south of the Ibar River) for the new Mitrovica North municipality that would act as a service center for Kosovo institutions while concurrently reducing UNMIK's role in Mitrovica. This approach, ICO argues, would encourage local Serbs to turn to Kosovo institutions for services and would

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remove UNMIK as a competing organizational structure, thus creating a void that a decentralized, Ahtisaari-based Serb municipal government could fill.

15. (C) As a condition for success, these plans assume that Serbs will both participate in upcoming elections and turn to Kosovo municipal institutions as legitimate service providers. Some Serb residents, typically a few dozen in each new municipality, have participated in local conferences on decentralization, and more than 300 Serbs have applied for positions on the MPTs in the new municipalities. At the same time, past experience suggests that most Serbs in Kosovo still look to Belgrade for guidance on how to act in independent Kosovo. Lately, the evidence indicates that the Government of Serbia is taking a hard line against Kosovo municipal elections. On June 30, President Boris Tadic announced that he saw no conditions in place for Kosovo Serbs to participate in Kosovo municipal elections. A day earlier, Serbia's Republic Electoral Commission announced that Serbia will hold its own municipal elections on August 16 in Peja/Pec and Gracanica to replace Serbian municipal assemblies that Belgrade had earlier dissolved.

16. (C) Belgrade's actions leave in doubt the possibility that decentralization or municipal elections will see significant Serb participation. If Kosovo municipal elections occur in all 38 municipalities, there is the prospect for essentially zero Serb participation in ten municipalities: the pre-existing municipalities of Zubin Potok, Leposavic, Zvecan, and Strpce; the new municipalities of Klllokot, Gracanica, Partesh, Ranilug, and Mitrovica North; and in the re-drawn municipality of Novo Brdo. Furthermore, a small number of Albanian residents in each location may, on their own, be able to vote Albanian candidates into office. This would diminish decentralization's impact as a vehicle to empower Serbs with local self-governance, and we predict that it would introduce new tensions, creating an increased number of Strpce-like hot spots where Albanian and Serb local administrations compete for the trappings of power, with each community arguing that it has the legal right to occupy municipal structures.

17. (C) In previous years, UNMIK had the authority to

invalidate local elections where outcomes ran contrary to good public policy. In Kosovo's post-UNMIK legal framework, there is no clear authority for invalidating election results. ICO has argued that it may be possible for Kosovo's Central Election Commission to withhold certification for election results in some municipalities, but such an action, ex post facto and without forewarning, will inflame an Albanian population that already believes its institutions are not doing enough to assert their primacy across the country. Furthermore, there is no legal foundation for allowing any institution in Kosovo to withhold election certification due to low voter turnout, thus risking the appearance that elections in some places simply did not count because the international community did not like the outcome.

This will be a tough sell locally, will tarnish important elections ahead of oral arguments before the International Court of Justice due to take place in the beginning of December, and could destabilize an already fragile political landscape, arming the opposition with arguments that the government is not extending Kosovo institutions throughout the country.

¶18. (C) Discussions among the international community on the municipal elections' policy implications are still at an early stage. We, lately joined by UK colleagues, have been telling ICO that the safer course of action is to hold elections in only 33 of Kosovo's 38 municipalities. Residents of the new Serb-majority municipalities would vote in the mother-municipalities. At some later date, separate by-elections would occur once municipal preparations are sufficiently advanced and conditions are more favorable for Serb participation. Kosovo law supports this approach, and it allows the GOK and the international community time to prepare the electorate for this process.

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¶19. (C) ICO says that it does not want to lose the momentum that it is building on decentralization and continues to express optimism that Serbs will participate in the municipal elections. If this prediction fails, their plan -- to the extent one exists -- is to deal with deficient outcomes later, arguing that the benefit of giving Serbs a chance to participate now outweighs the cost of invalidating votes in certain places later. This analysis underestimates the potential backlash among Kosovo's Albanian population should the rules of the game change following the elections.

¶10. (C) We have not yet expressed our concerns about elections in the new municipalities to the GOK. Kosovo's Central Election Commission is proceeding on the assumption that elections will take place in 38 municipalities, and Minister for Local Government Administration Sadri Ferati has told us that it is essential for elections to occur in the new municipalities. Neither institution has yet assessed how to respond in the event that Serb voters fail to participate.

¶11. (C) COMMENT: The coming election season runs the risk of introducing real instability, and we are focusing on plans that will minimize worst-case scenarios. By our estimation, a successful election is one that occurs without fraud or controversy. It is too early to judge success by the number of Serb participants. As long as the Serbian government continues to oppose Serb participation in Kosovo elections, we need to define success in modest terms and focus our efforts on reducing the possibility of failure. ICO is courting failure with its optimistic plan while at the same time endangering its principal policy objective in decentralization, a process that we support.

¶12. (C) COMMENT, CONT.: At the same time, we need to start thinking about contingency plans for the August 16 elections that Serbia plans to hold in Peja/Pec and Gracanica. During the May 2008 parallel elections, the GOK's inclination was to prohibit the elections from taking place. We prevented that from happening. This time the stakes are higher. The

elections are for municipal elections only, and the fig leaf we used in 2007 elections -- that Serbian polls in Kosovo allowed Serbian citizens to vote for national leaders, a right of dual citizens -- does not exist. The August 16 polls are a direct affront to Kosovo's sovereignty in that they only select office holders to illegal parallel municipal governments. That they occur as both Serbia and Kosovo are preparing their cases for the International Court of Justice on the legality of Kosovo's independence heightens their damaging impact. We anticipate that Kosovo authorities will want to take action to prevent these elections from occurring. END COMMENT  
KAIDANOW